The

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BAR ASSOCIATION MEETING

Alexander Hotel—Thursday, April 22nd—6 P. M.

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THE BAR ASSOCIATION BULLETIN

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The Municipal Court

By HENRY M. WILLIS, Presiding Judge

Convinced by the many individual inquiries made by attorneys as to the extent and limitations of the jurisdiction of the newly established Municipal Court in Los Angeles, that a comprehensive statement of the jurisdictional limitations of the Court, as defined by the constitution and the general laws enacted thereunder, would be welcomed by attorneys in general, and particularly by those whose business brings them more frequently into the new Court, and believing that such statement and explanation would result in benefit to the new Court and its judges as well as to attorneys, whose interest in the subject leads them to read this article, I am herein availing myself of the good offices of the "Bulletin" to present the matters which are of immediate interest in the following order of logical sequence.

JURISDICTION

First in order of importance and interest comes the question of jurisdiction of this Court. I use the word "question" advisedly, as the subject has aroused some discussion among attorneys, and already divergent views and claims relative thereto have been advanced in causes pending in the Court. In presenting this subject, I will seek to avoid advancing any personal opinion, where opinions might be called for, and endeavor to confine my efforts strictly to recitation and analysis of the provisions of the constitution and general laws relating to such subject, and to statements of claims advanced with respect thereto.

By the amendments of Article VI of the constitution, adopted November 4, 1924, the Municipal Court was first created, and its establishment in chartered cities provided for, and its jurisdiction defined within certain limits; and authority was therein conferred upon the legislature to provide for its jurisdiction, except in the particulars otherwise specified in the constitution.

In accomplishing this, it was necessary to amend section 5 of the Article, wherein jurisdiction of the Superior Court was defined, so as to permit of a new jurisdiction, trenching upon the former exclusive jurisdiction of that Court. So we find section 5, in its pertinent parts, now reading as follows:

> "The Superior Courts shall have original jurisdiction in all cases in equity, and in all cases at law, which involve the title or possession of real property, or the legality of any tax, impost, toll or municipal fine, and in all other cases, *except as hereinafter provided*, in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony, and *in all* cases of misdemeanor not otherwise provided for; or actions for forcible or unlawful entry or detainer, *except as otherwise provided in this article;* of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for; and said courts shall have the power of naturalization, and to issue papers therefor."

The italicized words in the foregoing constitute the new matter furnished by the amendment. It now remains to point out what was thereafter provided. We find the next pertinent provision in section 11 of the

Article, the relevant portion of which reads as follows:

> "Municipal Courts shall have original jurisdiction, except as hereinafter provided, in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy amounts to one thousand dollars or less, and of actions of forcible or unlawful entry or detainer where the rental value is one hundred dollars or less per month, and where the whole amount of damages claimed is one thousand dollars or less, and in cases to enforce liens on personal property where the amount of such liens or the value of the property is one thousand dollars or less, and in all criminal cases amounting to misdemeanor punishable by fine and imprisonment in the city or city and county or county jail, or punishable by fine or such imprisonment."

From the foregoing definitions of the two courts, it appears first that each is given *original jurisdiction* over or within certain limits, that of the Superior Court being general and unlimited except as to actions at law in which the demand or value of the property in controversy does not amount to three hundred dollars, and "except as hereinafter provided"; while the jurisdiction of the Municipal Court, as thereafter provided, is unlimited in territorial extent within the State, but limited as above stated to "cases at law" where the demand or the value of the property in controversy is one thousand dollars or less, and to unlawful entry or detainer where the rental value is one hundred dollars or less per month and damages claimed is one thousand dollars or less, and to cases of foreclosure of liens on personal property where the lien or value of the property is one thousand dollars or less, and to all criminal misdemeanor cases punishable by fine or imprisonment in a city or county jail.

If the use of the word "original" in connection with the jurisdictional grant should be held to mean the place of origin of the cases mentioned, thus distinguishing such jurisdiction from that granted as appellate, the conclusion would follow that the cases designated shall originate in the respective courts as designated, *except as in the article otherwise provided.* It would then follow that the Superior Court is given exclusive jurisdiction in certain enumerated cases; and in all other cases in which the demand or value of the property in controversy amounts to three hundred dollars, and in actions for forcible or unlawful entry or detainer, it is given original jurisdiction, except that when a Municipal Court is established, such Court is given the original jurisdiction without territorial limitation of such law cases and personal property lien cases, up to one thousand dollars in demand, and of unlawful entry and detainer cases up to one hundred dollars per month rental, and of all misdemeanors punishable by fine or imprisonment in a city or county jail.

Such being the apparent jurisdictional grants and limitations as fixed by the constitution, in respect to the items specified, we next attend to this provision in the same section:

> "The legislature shall provide by general law for the constitution, regulation, government and procedure of Municipal Courts, *and for the jurisdiction thereof except in the particulars specified in this section,* and for the establishment of Municipal Courts in cities, etc."

At its session in 1925, the legislature enacted a general law relating to the subjects last above mentioned, and now commonly called the "Municipal Court Act," in which, among other things, it provides for the jurisdiction of such Court in the following sections thereof:

> "Sec. 28. Each Municipal Court shall have original jurisdiction in all criminal cases amounting to misdemeanor, punishable by fine or imprisonment in the city or city and county or county jail, or punishable by fine or such imprisonment, *where the offense charged was committed within the County in which the Municipal Court is established.*"

It will be observed that the foregoing comprises the precise language of the constitution above quoted down to the last and italicized sentence, which, by its terms, limits the territorial jurisdiction of the Court over misdemeanors to those committed within the County, whereas the constitution left such limits to extend State-wide, subject to the power of the legislature to otherwise "provide for the jurisdiction" of such Court.

> "Sec. 29. Each Municipal Court shall have exclusive jurisdiction of all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to one thousand dollars or less, and of actions of forcible or unlawful entry or detainer, where the rental value is one hundred dollars or less per month, and where the whole amount of damages claimed is one thousand dollars or less, and in cases to enforce and foreclose liens on personal property where the amount of such lien or the value of the property is one thousand dollars or less, *arising within the city or city and county,* except that in a city or county where an inferior court exists with jurisdiction limited to demands not exceeding fifty dollars, the Municipal Court shall have concurrent jurisdiction of such demands. Each Municipal Court shall have concurrent original jurisdiction with the Superior Courts or the Justice Courts of all

such cases arising within the county in which such Court is situated, except such territory as is within the exclusive jurisdiction of any other Municipal Court."

Here again it will be observed that the language of this section down to the italicized words is the precise language of the constitution, which conferred *original* jurisdiction in such cases on the Municipal Court without territorial limitation. By this section, the original jurisdiction of the Court is made *exclusive* in all such cases *arising within the city*, and concurrent with the Superior and Justices' Courts in all such cases *arising within the county*, except in territory within the exclusive jurisdiction of any other Municipal Court.

Under the foregoing provisions of the constitution and the Municipal Court Act, the following conclusions have been made and advanced as the correct statement of the jurisdiction of the two Courts, where there is a Municipal Court in a particular county:

First: That the Superior Court within such a county has exclusive original jurisdiction in all cases of equity; and in all cases at law, which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and annulment of marriage; in all criminal cases amounting to felony and in all misdemeanor cases punishable otherwise than by fine or imprisonment in a city or county jail; in all other cases at law in which the demand, exclusive of interest, or the value of the property in controversy amounts to *more* than one thousand dollars; in all cases of forcible or unlawful entry or detainer, where the rental value is *more* than one hundred dollars per month, and where the damages claimed is *more* than one thousand dollars; in all cases to enforce and foreclose liens on personal property where the amount of such liens or the value of the property is *more* than one thousand dollars.

Second: That in such county, the Superior Court has concurrent original jurisdiction with the Municipal Court in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy amounts to three hundred dollars and does not exceed one thousand dollars, arising within such county, but outside the limits of the city in which such or any other Municipal Court is organized; in all cases of forcible or unlawful entry or detainer, where the rental value is one hundred dollars or less per month, and where the whole amount of damages claimed is one thousand dollars or less, and arising within such county but outside the limits of the city in which such or any other Municipal Court is organized; in all cases to enforce and foreclose liens on personal property, where the amount of such liens or the value of the property is one thousand dollars and not less than three hundred dollars, arising within the county, but outside the limits of the city wherein such or any other Municipal Court is organized.

Third: That the Municipal Court has exclusive original jurisdiction of all cases at law in which the demand, exclusive of interest, or the value of the property in controversy is one thousand dollars or less, arising within the city where such court is organized, and in all other cases enumerated in the preceding paragraph, and which arise within the city where such court is organized.

Fourth: That the Municipal Court has concurrent jurisdiction with the Superior Court in all those cases enumerated in paragraph Second, which arise within the county, but outside the city or cities in which the Municipal Court is organized.

Fifth: That the Municipal Court has concurrent jurisdiction with Justices' Courts in all cases of misdemeanor punishable by fine or imprisonment in a city or county jail; in all cases at law and of forcible or unlawful entry or detainer, and to enforce and foreclose liens on personal property, and of which jurisdiction is extended to such Justices' Courts, where such cases as above enumerated arise within the county, outside the limits of the city or cities, wherein a Municipal Court is organized.

It will be observed that by Section 20 of the Municipal Court Act, the jurisdiction of the Municipal Court over misdemeanors is limited to those committed "within the county in which the Municipal Court is established." While by Section 29, the Court is given *exclusive original* jurisdiction of the cases at law, and of forcible or unlawful entry or detainer, and of cases of foreclosure of liens on personal property therein specified, *which arise within the city*, and likewise is given *concurrent original* jurisdiction of all such cases with the Superior Courts and the Justices' Courts, within their respective limits, *which arise within the county* in which such Court is situated, and presumably outside such city.

By the use of the clauses "arising within

the city" and "arising within the county," it would appear that the exclusive jurisdiction given the Court is limited to those cases of the classes specified, in which the cause of action arose within the city, and likewise the concurrent original jurisdiction with Superior Courts and Justices' Courts is limited to those cases of the classes indicated in which the cause of action arose within the county outside the city in which such Court is situated. Here there arises the question: What about cases of the classes specified in which the cause of action arose without the county or without the state, but wherein it is shown that the defendants are residents of the city or of the county as the case may be? Has the Municipal Court jurisdiction of such cases? Or did the legislature intend to limit the jurisdiction of this Court to cases arising within the city or county respectively, despite the language of the constitution by which is conferred on the Court "original jurisdiction, except as hereinafter provided, *in all cases* at law" of the classes specified?

The first portion of Section 29 in effect excludes the Superior Court from jurisdiction over the cases specified arising within the city, ostensibly under authority of the provisions in the constitution relating to Superior Courts, namely, "except as hereinafter provided," and that relating to Municipal Courts, namely "the legislature shall provide . . . . . for the jurisdiction thereof except in the particulars specified in this section." But when it provides, in the last paragraph of Section 29, for a concurrent original jurisdiction with Superior Courts and Justices' Courts of such cases which arise within the county, does it thereby in effect exclude the Municipal Court from any jurisdiction over such cases, if it appears that the cause of action therein arose outside the county or state? If the language used would lead to such result, has the legislature exceeded its authority?

(To be continued in next issue)

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912,

Of Bar Association Bulletin of Los Angeles, California, published twice a month at Los Angeles, California, for April 1, 1926.

STATE OF CALIFORNIA } ss.
COUNTY OF LOS ANGELES }

Before me, Oraetta G. Ehlers, a Notary Public in and for the State and county aforesaid, personally appeared Chas. L. Nichols, who, having been duly sworn according to law, deposes and says that he is the Editor of the Bar Association Bulletin of Los Angeles, Calif., and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 411, Postal Laws and Regulations, printed on the reverse of this form, to-wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, Bar Association, Los Angeles, California. Editor, Chas. L. Nichols, Los Angeles, California. Managing Editor, None. Business Managers, None.

2. That the owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member must be given.) Bar Association of Los Angeles, Calif. (about 1800 members).

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.) None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

5. That the average number of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the six months preceding the date shown above is (This information is required from daily publications only.)

CHAS. L. NICHOLS.

Sworn to and subscribed before me this 30th day of March, 1926.

(SEAL) ORAETTA G. EHLERS.

(My commission expires October 5, 1929.)

Los Angeles Bar Association

Regular Monthly Meeting and Dinner, Hotel Alexandria Thursday, April 22, 1926, at 6 P. M.

The Program Committee announces for its first meeting, Thursday evening, April 22, 1926, the following most interesting and instructive paper by Judge Elliott Craig of the Superior Court. The paper is entitled:

"Particular Matters in Pleading and Practice Before the Presiding Judge of the Superior Court."

This paper is intended to emphasize common errors and omissions appearing in pleadings, affidavits and other papers presented to the Presiding Judge, and is the emphasizing of the substantive law as applicable to such papers. It is particularly intended to point out statutory requirements and proper procedure in pleadings in default matters and as to documents used for ex parte applications.

The Bar Association Quartette will also appear in the evening's program. This quartette, it will be remembered, is composed of the following splendid singers: Philip H. Richards, Frederick W. Williamson, William W. Clary and Everett W. Mattoon.

In the event you cannot attend the dinner, come at 7:00 p. m. for the program. Fill out the enclosed postal and mail at once. No reservations will be made after 1:00 p. m., Thursday, April 22, 1926. *Dinner $2.00 per plate.* Pay at the door. Guests permitted. The members will meet at 6:00 p. m. and will sit down to dinner at 6:15 p. m. Please be on time.

R. H. F. VARIEL, JR.,
Secretary.

Message of the Los Angeles Ch of Certified Ac

There have been three clearly defined stages in the development of Certified Public Accountancy. Originally, there was the Accountant, whose work was defined as early as the decade in which Columbus discovered America as intended "to give the trader, without delay, information as to his assets and liabilities". At first, the accountant devoted himself to recording accountancy—assembling financial facts; this developed into constructive accountancy; and finally came the advance to analytic accountancy, that is, the broadening of the science to assist in determining future business policy from a scientific analysis of past financial experience. The distinct feature of the accountant's work was that it was private.

Then, about the middle of the last century, we find the Public Accountant. The theretofore private accountant now rendered a service to different clients in different lines of business. The work broadened to the more constructive service of devising and installing methods of accounting

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of the California State Society Accountants

and cost accounting peculiarly suitable to individual organizations. The Public Accountant acquired those constructive and analytical attainments that made his service to the public a professional service.

Along with this development of Public Accountancy came the constant advance in the professional character of the work, as well as the public necessity that those who practice this profession should have a distinctive title and their right to practice carefully safeguarded by law. Consequently, it has come about that in every part of the United States Certified Public Account Laws have been enacted, under the provision of which properly accredited accountants are certified by state authority. Public welfare demands that the work of the Public Accountant shall be dependable.

The result has been the establishment of Public Accountancy as a profession and the public designation of those who are competent to carry on this profession as "Certified Public Accountants".

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Report of Committee on Legal Education

In the report entitled, "Training for the Public Profession of the Law," issued by the Carnegie Foundation for the Advancement of Teaching, in 1921, it was said, "There is a widespread impression in the public mind that the members of the legal profession have not, through their organizations, contributed either to the betterment of legal education or to the improvement of the administration of justice to that extent which society has the right to expect. Whether that impression be ill-founded or not, it is clear that the Bar as a special group, and in some respects as a privileged group in the social order, will today be called upon for a sincere self-examination of its duties to society, and its relation to the realization of justice."

As if in apparent recognition of this duty of sincere self-examination, the American Bar Association at its annual meeting, in 1921, adopted resolutions definitely committing that Association and its membership to a definite standard of legal education preparatory to admission to the Bar. Briefly, the resolutions called for legislation in the various states which will require of all applicants for admission to the Bar graduation from a "standard law school." A standard law school was defined in the resolutions as being one which required two years of pre-legal college work before beginning law study, followed by three years study in the law school. The law school must also have a library of a definite type and a law faculty, of a definite type, based on the number of students in the school.

Appreciating the significance of that move on the part of the American Bar Association and recognizing its ultimate good to the profession, the Los Angeles Bar Association, at its annual meeting in 1922, adopted a report of the Committee on Legal Education which approved and recommended the resolutions of the American Bar Association. Thus, the Los Angeles Bar Association is now definitely committed to the standards of legal education approved and recommended by the American Bar Association.

The history of legislation in this State looking toward advancement of the Bar and the increase of its standards shows a reluctance on the part of our legislative body to adopt the standards recommended by the Bar itself. It is probable that our Supreme Court has the power to establish definite standards for admission, by virtue of power invested in the Court to promulgate rules for admission to the Bar.

We have for several years required an examination of those who seek admission to the Bar in this State, with the exception of those who seek admission on motion from other jurisdictions. The examinations are given under supervision of a State Board of Bar Examiners, at the present time composed of: Messrs. Cushing, McNoble, and Tasheira. The Board of Bar Examiners conducts two examinations each year in each of the Appellate Districts. Those who take the examination must furnish proof of three years diligent study of the law, either under the personal supervision and direction of a practicing attorney in good standing, or in a recognized law school. No requirements, however, have been established with respect to the general education of the applicant.

A survey of the schools of the State shows that there are now four law schools given Class-A rating by the Council on Legal Education of the American Bar Association. Three of these four schools require at least three years pre-legal study before admission to the law school, which are followed by a three year law course. The other one, the Hastings College of the Law, now requires two years of pre-legal college work for admission. Other schools, among which may be mentioned Southwestern University of this city, have made a definite announcement that pre-legal college work will be required for admission in the future.

For several years past, there has been an ever increasing number of men and women seeking admission to the Bar in California. This is well indicated by statistics taken from the clerk of the Appellate Court in this district. These figures show that in the year 1920, 171 took the examination, of whom 106 passed and 65 failed; in 1921, 214 took the examination, of whom 122 passed and 92 failed; in 1922, 220 took the examination, of whom 146 passed and 74 failed; in 1923, 229 took the examination, of whom 160 passed and 69 failed; in 1924, 330 took the examination, of whom 170 passed and 160 failed; in 1925, 253 took the examination, of whom 123 passed and 130 failed. Summarizing for the past six years, not including the examination in January, 1926, 1417 applicants have taken the examination in this district alone, of whom 827 have passed and

590 failed. Figures have not been obtained showing how many of those who passed the examination have been admitted to practice, but it is fair to assume that all the 827 have been admitted.

These figures show not only the large number taking the examination in this district, but a comparison of those failing with those who have passed, would also indicate that the Board of Bar Examiners are becoming more exacting and that it is more difficult to pass the examination now than it was even two or three years ago.

Another interesting phase of the situation regarding admission to practice is found in the large number of attorneys who are admitted from other jurisdictions, without examination. A reference to the statistics for the same years, that is from 1920 to 1925, shows that 865 attorneys have been admitted in this district upon motion.

These comparative figures are submitted for your consideration, with the suggestion that a revision in our laws respecting admission from other jurisdictions might well be made in the interest of those who are required to take the examination in this State. It is undoubtedly fair to say that a large number of those admitted on motion are no better qualified to practice in this State than those who are required to take the examination.

The Committee recommends that the Committee on Legal Education for the year 1926 be directed by the Trustees of the Bar Association to undertake the following activities:

1. Conduct a survey and examination of the law schools offering instruction in Los Angeles County, for the purpose of determining the number of students engaged in study and also the requirements for entrance into the various schools.

2. Suggest a plan to the Trustees and the Association by which the Association may have a direct contact, at least in an advisory capacity, with the various schools offering legal instruction, to the end that the Bar may have a more direct influence with the schools.

3. Make a survey which will show the amount of time spent in practice, and the legal education of those who have been admitted to the Bar on motion in this District, for the purpose of possible recommendations of changes in our statutes relative to admission on motion.

Respectfully submitted,

CHARLES E. MILLIKAN,
Chairman.

Municipal Court Changes

At the time of the establishment of the new Municipal Court in Los Angeles, it was deemed expedient to designate the various departments by numbers instead of letters as the Justice Courts in Los Angeles township had been designated.

It has proven a source of considerable confusion owing to the fact that there was correspondingly numbered departments in the Superior Court, and the public failed to examine their papers to see in which court they were cited to appear.

For some time various methods whereby at least a portion of the confusion could be eliminated, have been under consideration and at the last meeting of the Judges of Municipal Court it was decided to designate the various departments of the Municipal Court as Divisions and to drop the "NO" from in front of the designating numeral.

In future the designation will be Division— of the Municipal Court, City of Los Angeles, and change in forms will be made as fast as new forms are printed.

In order to eliminate the confusion existing, caused by similarity in the name of the old Hall of Justice, now used for Traffic Courts, and the new Hall of Justice, recently completed, and the Hall of Justice Annex, adjoining it, and in which most of the Civil Departments of the Municipal Court are located, it was decided to have the name of the latter building changed to Municipal Court Building and that of the old Hall of Justice, changed to Traffic Court Building.